REMARKS/ARGUMENTS

Favorable reconsideration of this application as presently amended and in light of the following discussion is respectfully requested.

Claims 1-11 are pending in the present application. No new matter has been added.

By way of summary, the Official Action presents the following issues, Claims 1-11 stand rejected under 35 U.S.C. § 103 as being unpatentable over Hashizume et al. (U.S. 2003/0142955, hereinafter Hashizume) in view of Seo (U.S. Patent 6,798,980).

REJECTION UNDER 35 U.S.C. § 103

The Official Action has rejected claims 1-11 under 35 U.S.C. § 103 over Hashizume in view of Seo. The Official Action contends that Hashizume discloses all of the Applicants' claimed features with the exception of an apparatus wherein the audio/video data is converted for storage of information. However, the Official Action cites Seo as describing this more detailed aspect of the claim and states that it would have been obvious to one of ordinary skill in the art at the time the advancement was made, to combine the cited references for arriving at the Applicants' claims. Applicants respectfully traverse the rejection.

Applicants note that the rejection of Claims 1-11 under 35 U.S.C. § 103 rely upon primary reference Hashizume. The Hashizume reference may qualify as prior art against the present application under 35 U.S.C. § 102(e) if entitled to the September 10, 1998 date of its parent application. In this regard, Applicants note that Hashizume is a continuation-in-part application. As a continuation-in-part application, there are aspects of the Hashizume disclosure **which are not entitled to the September 10, 1998 priority date**. As such, the availability of this reference as prior art, must be considered in relation to the disclosure of the now abandoned parent application 09/150,235.

In order for Applicants to determine the applicability of this reference under 35 U.S.C. § 102(e), Applicants must be provided a copy of the now abandoned parent

application 09/150,235. Applicants were unable to obtain this information on their own through the Patent Application and Information Retrieval system (PAIR). As this parent application is unavailable, Applicants are not in a position to address the propriety of the rejection as it relates to the appropriate priority date of the Hashizume reference.

More specifically, as the current outstanding rejection under 35 U.S.C. § 103 refers only to the Hashizume child, continuation-in-part application, Applicants are unable to determine if the citations are supported by the original filing date of September 10, 1998. Accordingly, Applicants respectfully submit that a *prima facie* case of obviousness has not been presented.[1]

Accordingly, Applicants respectfully request that the rejection of Claims 1-11 under 35 U.S.C. § 103 be withdrawn.

CONCLUSION

Consequently, in view of the foregoing remarks, it is respectfully submitted that the present application, including Claims 1-11, is patentably distinguished over the prior art, in condition for allowance, and such action is respectfully requested at an early date.

Respectfully submitted,
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[1] Should this rejection be maintained in a subsequent Action, Applicants respectfully request that period for responding be reset, and, the Examiner cite to the corresponding portions of the Hashizume parent application. See *In re Lund*, 376 F.2d 982, 153 USPQ 625 (CCPA 1967) (the Examiner made a 35 U.S.C. § 102(e) rejection over an issued U.S. patent which was a continuation-in-part (CIP)). See also M.P.E.P. § 2136.02.